

Application No.: 09/986346

Case No.: 54135US011

REMARKS

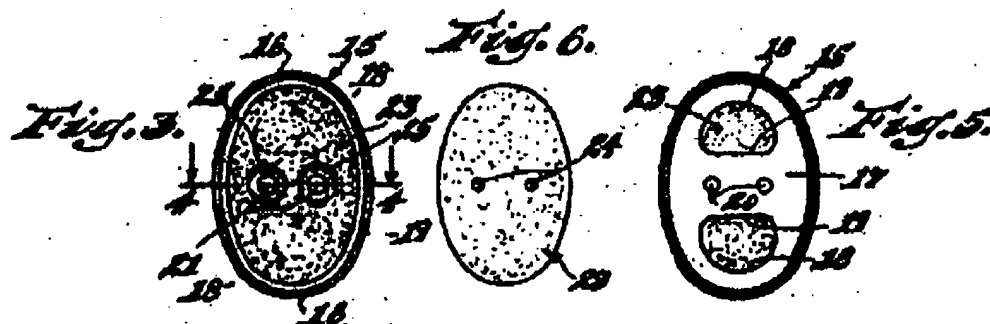
Claims 122-129 have been added to this application. Thus, claims 16-17, 19-25, 41, 43-47, 49-54, 64, 66-70, 72-96, 101-104, 108-120, and 122-129 are now pending in this case.

Claims 16-17, 19-25, 41, 43-47, 49-54, 70, 72-96, 101-104, and 108-120 have been allowed.

Claims 64, 67, and 69 have been rejected; whereas claims 66-68 have been objected to. In particular, claims 64, 67, and 69 have been rejected under 35 USC § 102 as being anticipated by U.S. Patent 2,105,183 to Cover. Applicant respectfully submits that this rejection cannot be sustained.

Before responding to this rejection, applicants initially thank the Examiner for also making U.S. Patent 2,112,270 to Cover officially of record in this case.

The '183 Cover patent illustrates a valve that has a frame 15 that may be ovally shaped. The frame 15 includes an annular flange 16 and a base plate 17 that is concave as shown in Figures 1, 2, and 4. As shown in Figures 3, 5, and 6 reproduced below, the valve also has a movable element 23 that is secured to a base plate 17 through use of stud pins 20. As stated in '183 Cover, "[t]he pins 20 of the base plate 17 are centrally located therein" and register with apertures 24 of the movable valve element 23. The apertures 24 of the movable valve element 23 are also located centrally with respect to the movable valve element:



As illustrated, the Cover valve flap 23 is centrally mounted to the base plate 17. As such, Cover's flap 23 cannot properly be construed as being "mounted to the valve seat in cantilevered fashion" as claimed by applicant. Please note that applicant's independent claim 64 requires that the flexible flap be mounted to the valve seat as such. Applicant's have been consistent when

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using the term "cantilevered" to mean that the flap "is not centrally mounted."¹ Cover does not illustrate a non-centrally mounted flap. As shown and described in Cover's specification, the flap 23 is mounted centrally and symmetrically between the top and bottom halves of the base plate 17. Cover's mounting hardware therefore is located directly in the path of fluid flow during an exhalation. Like a button valve, the centrally-mounting aspect of Cover can interfere with the momentum of fluid flow during an exhalation and thus would exhibit a greater pressure drop across the valve. Because applicant's invention is mounted "in cantilevered fashion", the flap can be configured with a greater moment arm so that less force is needed to open the valve flap. Further, the mounting hardware does not interfere with fluid flow. Because a wearer of a respiratory mask supplies the power to operate an exhalation valve, a flap that opens easier makes a mask more comfortable to wear over an extended time periods.

Newly-presented claims 122-129 also are not anticipated by the '183 patent to Cover. Please note that new independent claim 122 requires that the flexible flap have "only one free portion". In contrast, Cover's valve has first and second free portions. Claim 122 also indicates that the flexible flap is "mounted on the valve seat non-centrally relative to the valve seat orifice". As indicated above, Cover states that its flap is centrally-mounted.

If the Examiner believes that it would be helpful to further specify matters with respect to applicant's flap being mounted in cantilevered fashion in claim 64, the Examiner has applicant's permission to insert the word --non-centrally-- between "valve seat" and "in cantilever" in line 4, of claim 64 by an Examiner's Amendment.


¹ Please see applicant's Amendment and Response filed December 6, 2004 at page 28.

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In view of the remarks presented above, applicant's believe that this application is in condition to be allowed, pending submission of a further Supplemental Reissue Declaration (SRD). Applicant's attorney will submit the SRD as soon as the signed document is received from the inventor.

Respectfully submitted,

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Date

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